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# LETTERS

OF

# Hon. E. H. Ewing,

ACCEPTING THE PRESIDENT'S AMNESTY, AND COUNSELLING THE COURSE FOR TENNESSEANS TO ADOPT IN REFERENCE TO THE PROCLAMATION.

## LETTER NO. I.

*Editor of the Nashville Press:* At the date of the enclosed letter, I wrote it to two of my friends at Nashville. The object of the letter was to explain to them, and to such others as might see it, my reasons for accepting Mr. Lincoln's amnesty. It would have been better perhaps at once to have had the letter published, with a view to the possibility that it might be of some advantage to the public. It was not published, however, and this has given occasion to the circulation of false versions of it, which can be corrected alone by its publication. If you will be so kind as to publish it, you will much oblige me.

The letter by no means contains all that I could say upon the subject, but is suggestive rather than otherwise. Some difficulties have been presented in various newspapers as obstacles in the way of carrying out the amnesty on the part of Mr. Lincoln. These difficulties are, in my opinion, by no means serious, and if they were, the acceptors of the amnesty would have sustained no loss, most of their objects would unquestionably have been attained, and Mr. Lincoln would be bound, by every consideration of honor, good faith, and even shame, to carry out his agreement even to the letter. If any one, however, who is willing to take the oath of the amnesty, has serious fears in regard to Mr. Lincoln's power to carry out what he has undertaken substantially, and will express his fears, I will take up and discuss the questions, and, I think, easily show that there is nothing in them. I have no fears on the subject, and shall act accordingly. Yours, etc.,

E. H. EWING.

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NEAR MUFREESBORO, Dec. 17, 1863.

*Messrs. Orville Ewing and Dempsey Weaver:*

GENTLEMEN—I have read a copy of Mr. Lincoln's late message and the proclamation accompanying it. This copy, though apparently imperfect and inaccurate from errors telegraphic and tpographical, contains perhaps substantially what was intended to be communicated by the writer. The peculiarity and obscurity of Mr. Lincoln's style, in addition, may leave some doubts in regard to the meaning of portions of the documents; yet, in the main, I apprehend his intentions can be ascertained by a careful reading of them. These documents raise the question, What are Tennesseans to do under them? Shall the propositions be accepted or rejected? I say Tennesseans, because the time is come, I believe, when Tennessee must look to herself and her own duties and interests. It is time that she should no longer be ground helplessly to powder between the upper and the nether mill-stone: duty neither to the North nor to the South, in my opinion, demands that she should remain further in her present state of anarchy.

Mr. Lincoln's proposition addresses itself both to individuals and to States. For myself, I intend to accept the pardon (if I need it,) and to take the oath proposed, though the amnesty is not, as I think, sufficiently extensive. As a matter of policy, and with a view to suppress immediately the Southern rebellion, it should have embraced everybody. This, it may be said, would be giving up the right to punish those who are regarded as the leaders of the rebellion, and therefore especi-

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ally guilty; yet, of what comparative importance is this to that of restoring peace to the country, and thus putting a speedy end to confusion and bloodshed. In such great matters, mere vengeance should sink into insignificance.* This course would have steered clear of all those questions that may perplex the minds of many men, especially of those who are in the Southern army. The acceptors of the pardon, whether justly or unjustly, may be taunted with saving themselves by making scape-goats of their leaders—with an abandonment of their comrades—with the loss of military honor—all of which could have been avoided by extending the offer of pardon to all. In such a case however, it might be asked, Is nobody to be beheaded, nobody to be hanged? Where would be the warning to future ambitious and unscrupulous demagogues? I answer, that if the awful deluge of ruin and desolation that has come upon the country from this civil war should be no warning to the people not again to follow such leaders (and without followers they would be powerless and innocuous,) would the bringing to the block of a few guilty heads, or the exile of their owners, have that effect? We have had a sufficient baptism of blood, I think, to deter at least one generation from such hazardous experiments. The blood of the leaders would, it seems to me, rather prove like the blood of the martyrs, the seeds of another crop than a terror to future evil-doers. But, with what might have been in the proclamation it is not my business to deal. There may be, as Mr. Lincoln intimates, other proclamations enlarging the scope of pardon, and I think there will be; in the meantime, what are Tennesseans to do with the present one?

To decide this question, it will be necessary, perhaps, to turn back a little and see how it was that Tennessee became a partaker in this rebellion. Before the war began, the bulk of her people were undoubtedly opposed to a dissolution of the Union. She was emphatically a Union State. This is fresh in the recollection of all, and was proved in every practicable way. But the war came; neutrality would not, and in fact *could not*, be allowed by either party, if war was to be effectually carried on. A choice of sides alone was left to her. She then said to the South, "If I must fight, it shall be with rather than against you, however wrong you may have been in bringing about or attempting to bring about a dissolution of the Union. You may have had great provocation, and though it was unwise in you to yield to it, yet you have yielded and resorted to arms; I cannot fight against you—I am not allowed to be neutral — I will fight with you, and as this makes me an enemy of the North and practically no longer united with it, I will make common cause with you; but I shall be a border State, and you must protect me." Now, whether this was right or wrong, prudent or imprudent, under the circumstances, I shall not pause to inquire. Tennessee did become a party to the war on the Southern side, and what have been the consequences? Her very heart has been almost wrenched from her body; her young men are dead upon battle-fields or in hospital, or pining in weary prisons; her commerce has been destroyed, her fields laid waste, her towns depopulated, and finally, the hoof of the Federal horseman treads upon the last foot of her soil. Resistance by her or from her is utterly hopeless, nor is there the slightest prospect that the South will ever regain her territory. What then shall she do? Shall she say, All is lost but honor, and stand still in sullen defiance, awaiting the course of events? How long shall she so stand? Shall it be till the rebel armies are captured or pressed into the southern seas? Shall it be until the last predatory band of desperadoes has been taken prisoner, and the last spark of resistance trampled out? And what then? Will honor still be satisfied? But what does honor, in such a case, require of Tennesseeans? Does it require that the last man should die and the last woman be driven from the territory? I may be wrong, but such notions of honor in a State seem to me to be somewhat fantastic. It would be a new thing under the sun, to say the least of it, for a whole State to undergo martyrdom rather than submit to terms which, though not precisely what might be desired, and though not precisely restoring us to our *status quo ante bellum*, are yet fully as good as an unsuccessful party might expect. But, really, what do home-staying Tennesseeans mean by honor in the present instance? They are not fighting—they are not going to fight, nor to give aid to those who are fighting in the Southern cause. Stand still, forsooth, and look sourly on, while others fight, leaving in the meantime, their children to be uneducated, their estates to go to wreck, and civil society to be wholly dissolved. Do they mean, when it shall be ascertained that resistance in the South is wholly at an end, they will make an exodus in a body from the State? No, this would be too absurb! *These home-staying, chimney-corner fighting Tennesseeans mean to do no such thing!* What then? Why, then, when perhaps every thing here will have gone nearly to ruin, when the present term of amnesty will have been withdrawn, and something will *demand* to be done, we shall have to begin at a very different point from that which is offered today.

Some may say, however, What is to become of our sons and brothers and relatives who are in the Southern army? Well, what is to be-

*Alas! how poor human nature deceives itself in regard to the motives by which it is actuated! How many men there are at the North who, thirsting for the blood of Jeff. Davis and his Cabinet, believe themselves to be stirred only by a patriotic impulse to set up a scare-crow against the recurrence of future rebellion! May we not hope, however, that Mr. Lincoln can rise to the dignity of that clemency which ennobled the mighty Julius, and which stamped his successor (when the character of Octavius had been sunk in that of the majestic Augustus) as almost the wisest of mankind?

come of them, anyhow? Will your standing off make their fate any better? No one expects you to hate your sons or relatives, or to hope that they may be killed, because you have ranged yourselves under your old govment. If your sons come home and take the benefit of the amnesty, they will have the same fate with yourselves. If they do not, they will be in no worse condition for your having accepted the pardon. Now, if Mr. Lincoln's proclamation offered anything as a condition by which Tennesseeans, who had been rebels, were to be degraded into an inferior class, I should personally prefer an exodus or death on the block to submission. But he presents no such condition. Personal rights are all restored, and in the main even property, for as the proclamation of emancipation does not apply to Tennessee, and as the confiscation act has been but very partially acted on, the property of even armed rebels would, with few exceptions, be restored.

How the proclamation may be received in other States, or how it may affect other States, is not a matter of prime consideration to Tennesseeans at present. Each State and its citizens, in the existing condition of affairs, will of necessity have to act for themselves, as there can of course be no common agreement Well, but by waiting, something better may perhaps be offered. Do things really seem to be tending that way? Have they not been getting worse, and do they not seem likely to get worse still by delay? And will not the terms become harder as the Southern fortunes continue to wane? Some sanguine persons, however, may still believe that Tennessee will be regained by the Confederates. What then? Will she be any worse off for having, in the meantime, resumed her attitude of civil and political organization, and will any man be blamed for having, in the exercise of a sound judgment, done that which he deemed duty to his State demanded?

Now, if all this reasoning look to some *generous* souls like the calculations of a cool and selfish man, who is disposed to abandon the common cause and run his own vessel into the first harbor, leaving the rest of the squadron to the fury of the storm, let me ask of these people what they think would be the course of the Gulf States if *now* offered their independence, excluding Tennessee? Would she be abandoned? Would they not make peace on the principle of *uti possidetis?* I think they would. If it is answered, Chivalry forbid! *Noblesse oblige*—I reply, *Credat Judæus Appella.* Their conduct to Tennessee and to Tennesseeans has manifested anything but a disposition to adhere to her through evil as through good report. But even if the Gulf States would refuse such a peace, what good would it do us? Their claim to retain us would be but a piece of empty gasconade.

At last, however, what choice have we! This amnesty will be accepted, doubtless, by a sufficient number of Tennesseeans to make what the Federal Congress will call the State, and by this number the rest will be governed, and governed too as a degraded class. Must not this be at all events prevented? Will not every Tennesseean come forward and have something to do in forming the government under which he and his children must live? There is no choice, as I believe, between acceptance of the amnesty and expatriation. This may look, however, as if I regarded the acceptance as compulsory in a legal sense, and, therefore, as not binding. Such is not my meaning; on the contrary, I think that every one who accepts should do so in good faith and regard himself as in all respects thereafter bound by his oath and his obligation of allegiance to the United States. Such shall be the meaning of my acceptance.

You will perceive that I have said nothing of those Tennesseeans who are in the Southern armies. So far as I am concerned, they will be left to themselves. I will not even suggest the reasons that create a difficulty in my mind in regard to giving them advice; but I will say this, that they can be in no manner injured by our establishing a civil government here, to which, at some time, should they be hereafter pardoned, they may find it convenient to return. Still, some persons may think that this would look like the desertion of a son or brother, and that sons or brothers in the South would be consoled by their standing off in sullen dissatisfaction rather than making submission. Well, if a son or a brother should expect one, staying at home, to incur all the penalties of treason, to lose his property, to be denied all civil and political privileges, to see his State and fellow-citizens going to destruction, in order that he might derive consolation or be more confirmed in his course, I should deem him not a little unreasonable.

Now, I would not do anything that I deemed mean or degrading to save my own life (for life I consider of no great consequence, anyhow); nor do I wish to address to you or others degrading motives of action; yet, at last, it is something to be freed from suspense in regard to a trial for treason, to be restored to all civil rights and privileges, and rights of property, and to be once more a citizen of something or somewhere. I have felt like a vagabond for some time past, and I begin to wish for rest.

I have written thus much in a desultory sort of fashion, but have not as yet stated distinctly what I understand Mr. Lincoln's proposition to be. Well, this seems to be his meaning: He proposes (1st.) So far as individual rebels are concerned, if they do not come within one or other of his exceptions, that he will grant them a full pardon for their offences, and restoration to all their civil and political personal rights, together with a restoration of their rights of property, with the exception (so far as Tennessee is concerned) of the right to such slaves as may have obtained their freedom by enlistment, or by some one of the modes pointed out in the 9th section of the general confiscation act, or by having been actually in use for the purposes of the rebellion, as under the first confiscation act;

and with the further exception of such property as may have been taken and in which third parties have acquired rights; and possibly such property as may have been taken and used already by the Government (nothing being said about damages in such cases); provided an oath shall be taken, 1st, of allegiance, and 2d, to support the laws of Congress and the proclamations of the President in regard to slaves, so far as the same may be declared constitutional by the Supreme Court of the United States, and until they shall be declared otherwise. Such is his proposition to individual rebels. With the emancipation proclamation we have nothing to do, it not being applied to Tennessee. If the enlistment and confiscation acts are declared constitutional, these slaves would be lost under the following circumstances: 1st, when enlisted; 2d, when used for the purposes of rebellion—such as servants of officers, those employed in working on fortifications, etc., with the assent of their owners; 3d, all who have escaped from their masters, and taken refuge in army lines; 4th, all captured from rebels or deserted by them and coming under control of the United States; 5th, all found on or being within any place occupied by the rebels and afterwards by the forces of the U. S. (place here meaning, probably, town or station, as Nashville, Murfreesboro, Lavergne, etc.) Who have been rebels remains to be determined. Now, to all who have taken or are willing to take the general oath of allegiance, this oath need be no bug-bear. I have seen many of the oaths propounded during this rebellion, and many in which there was much complicated verbiage, but none of them, at last, amounted to more than the ordinary oath of loyalty. I shall not spend time to show that this oath amounts to no more either practically or in legal acceptance, than the general oath of allegiance. Practically, it amounts to no more; for while the Northern armies remain with us, these laws and proclamations will be upheld without our aid or against our resistance. Theoretically, it amounts to no more; because, every man under allegiance is bound to regard laws made by Congress, and, as I apprehend, military proclamations by the President in war time, as *prima facie* the law of the land, and good until declared void by proper authority, that is the authority of the courts. 2d. He proposes, in regard to States, their reconstruction by conventions, the members to which shall be elected by all such (including pardoned persons) as were entitled to vote before the rebellion, and no other. No check is placed on Tennessee in regard to slavery, though he seems to suppose that in Tennessee, Missouri and Maryland there will be sufficient anti-slavery agitation to exclude it. Of course the question of acceptance or rejection of a constitution will have to be submitted to Congress, as also the admission of members of Congress elected from Tennessee, if Tennessee is to be regarded as a new State. How it may be in regard to this and other questions of a cognate character, time alone can determine. Mr. Lincoln still retains the power of enlistment, and the military power in other respects in regard to slaves; though I suppose that if hereafter the slave of a pardoned person should be enlisted he would be paid for him $300.

Upon the whole, then, I consider this offer of amnesty as having placed the people of Tennessee, if they choose to embrace its terms, upon much higher and better ground than that they previously occupied. If they refuse it, they leave themselves and their destinies in the hands of those who may choose to embrace it, however small the number, if it shall reach 10,000. As at present advised, I shall embrace the offer, and such is my advice to all my friends. To those who have already taken the oath of allegiance in good faith, or who are willing to take it, I would say that it would be indeed straining at a gnat to refuse that proposed in the proclamation. You can show this letter at your discretion, and make what use of it you think proper.

Yours truly,

EDWIN H. EWING.

P. S.—In the body of my letter, I mentioned that time alone could determine the question whether Tennessee should be regarded as a new State, upon her attempt to resume her position in the Congress of the United States and as a member of the Union. By that I meant that time alone could determine this question practically; about it as a question of law and right, there can be but little difficulty. The fine-spun sophistry of some men about the forfeiture of State rights and the extinction of States is much what might have been expected from persons of that description. Weak, showy, book-learned, visionary, with narrow minds and narrow hearts, they have too little practical vigor and too little expansiveness of intellect to embrace the great questions of the statesman. A State of the Union cannot be forfeited like a corporation, by violation of charter or the expiration of its legal existence by time. Neither internal nor external violence can affect its status except practically and temporarily. What might be the effect of the civil or natural death of *all* of its inhabitants it is unnecessary to inquire, as no such event has happened or is likely to happen. The war power of the Union cannot last beyond the continuance of the war, and when the war shall cease, the State will remain, crippled it may be, and by the destruction of very many of its inhabitants (civilly and naturally,) shorn of a portion of its representation. The war power is an instrument for suppression of internal violence or resistance to foreign aggression, not a regulative force for reconstruction.

These few words are added to my letter from the fear that you or others might suppose that I had some doubt in regard to the real *status* of Tennessee as a State. Mr. Lincoln and other strong-minded men, even of the Anti-slavery party of the North, express views

of this question not unlike those above, and I do not much fear that it will become a question of danger. I hold myself ready to sustain these views by argument *in extenso* should it ever become necessary. E. H. E.

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## LETTER NO. II.

MR. EDITOR: In the first clause of the Bill of Rights in the Constitution of Tennessee, the grand announcement is made that "all power is inherent in the people;" and now for the first time since its utterance, we have to begin to ponder the meaning of that great assertion. In times of peace and quiet, when all of the wheels of government were moving as upon oil, no one thought it necessary to turn back his eyes upon this great reservoir. Somehow, vaguely, it was thought that such a depository of power had at one time existed, but that it had exhausted itself in setting in motion the regulative machinery once adopted, and that it was never again to be resorted to. Everything seemed to be provided for—Executive, Judicial, Legislative—even the amending or making of a new Constitution, and everyone seemed to think that there could be no new *avatar* from the extinct volcano. But now when we are brought back from the common-places of every day government to search into the origin of things, we may find that there is a reserved force in this declaration of power, which, though somewhat ponderous and unwieldy, is competent to set in motion the wheels that have been clogged and the engines that have ceased work. To bring this power directly into operation upon any ordinary occasion, would not only be highly inconvenient but also highly impolitic. In ordinary difficulties, the knot is not worthy the interposition of a God; accordingly, specific provisions are made for all the common accidents in the life of a government. But as earthquakes and tornadoes occur at intervals in the physical world, setting at naught the foresight of ordinary men—so in the political world there are extraordinary interventions arising, either externally or internally, which drive us to look for remedy beyond our usual narrow horizon. Such has been the case now in regard to the State of Tennessee. By a concurrence of unfortunate circumstances her animated existence has for a time past been suspended; her official functions have been in a state of abeyance, but neither she nor they have ceased to exist. By the rebellion, as to the Union and as to the State of Tennessee in the Union (and it is in that aspect alone that we can now look at her), her officials all vacated their offices. None of them now hold or claim office in the State as a member of the Union. This suspended the power of action by the State for want of the connecting link to the people. As well argued by one of your correspondents (Nemo), the abdication of all its officers does not dissolve the State. The rebellion of every man in the State would not dissolve it while the Federal connection remained, and this it is to be assured did remain so long as the rebellion was not successful, either by force or by recognition of the proper Federal authority. It is unnecessary for me to state what was my theory of separation in times gone by—it certainly was not for secession, and was not inconsistent with the views above stated. The State of Tennessee stands, in my opinion, as if all her officials had died at the same time, leaving no one to take action for new elections and new appointments. And suppose that, in fact, all officials had so died immediately after an election for Governor, etc., in August, and the persons elect had also died, what would then have been the situation of Tennessee? Must she have waited for two years without officials, and, in effect, without government? and then, too, have proceeded to elections without pursuing the technical provisions of the constitution and laws? And would the newly elected officials take up matters where they were left by their predecessors, or would they have to regard themselves as the appointees of a new power, and not as representatives of the State of Tennessee? In the case supposed, need there have been any waiting? Might not elections have proceeded immediately, and would not the newly elected have taken up matters where they were left off? The questions thus presented are strictly analogous to those now presenting themselves to the people of this State.

If, then, the State be not dead, it is not necessary that it should be born again; but if animation be suspended, something must be *done* to restore it to active life. Some one has said, however, that the State *qua* State has committed suicide, and that neither she nor her people can do any thing to revive her; that her territory, as to government, is a *tabula raza*. A doctrine called that of reconstruction (and I plead guilty to having once used the term myself) has arisen, implying a strange jumble; for it supposes the dead State as capable of accomplishing the feat of its own resurrection in a new shape. But as I do not view the State as dead, either by suicide or otherwise, I shall waste neither your time nor mine by attempting to discuss the question of reconstruction. The real question for consideration is, How are we to get men into office to carry on the government of the State, or, to use a not unapt figure, the trouble lies in finding the end of the string by which to unravel the entangled skein. There is no one, under the ordinary laws, or under the specific provisions of the constitution, to commence operations. The Governor and all of his substitutes under the constitution have vacated their offices. No election can be held in the *ordinary* mode for Governor, members of the Legislature, or members of Congress, nor in any of the other *specific* modes pointed out in the constitution. At first blush, a *point d'appui*

s eems wanting. I think, however, the evil is not without remedy. I think the standing point may be found in that clause of the Bill of Rights above recited. "All power is inherent in the people," as much to-day as it was the day before the rebellion commenced It may be that many individuals have forfeited their right to participate in the exercise of this power, and have not recovered it; but this is no more than if so many of them had died from an epidemic. To the residue, that is to those who have never lost, and to those who have recovered their rights, (and I do not just now say who these may be,) and may recover them before election day, the power remains. Do the people, then, inherently possess all power, and is there no mode by which they can exercise it? In such a case, one might say, *(aut inveniam aut faciam viam,)* find a way or make a way. I think it is not very difficult to find a way. All that is necessary, in my opinion, is that there should be a fair and full expression of the will of the people, that elections should take place, indicating time and mode. This expression should be ascertained with all reasonable certainty. I will suggest a plan by which this may be done. It may not be the best, but it is one which I think will answer.

Let the county courts in the various counties of the State meet at their respective court-houses, on the 3d Monday in March or 1st Monday in April, and appoint judges and other officers of election who shall hold an election on the 1st Monday in May following, at which the people may vote whether there shall be an election of Governor and members of the Legislature and of Congress or not, on the usual day in August. Let the votes thus given be sent by the officers thus appointed to the Military Governor and Secretary of State who, having counted the votes, shall report the result in the newspapers and otherwise, in their discretion; and should the vote be in favor of holding elections, advertise that an election for Governor, members of the Legislature and of Congress shall be held at the time indicated. Let the county courts in July appoint judges and other officers for the August election, and let the election take place accordingly. Let the newspapers of the State, in the meantime, call for objections to the plan or to the time, or for acquiescence as to these, so as to ascertain whether there is general agreement about it. Should there be counties where the courts cannot or will not assemble, let any five magistrates assemble and make the appointment, and should any of the counties be occupied by rebel forces and so they be debarred from participating in the latter election, it is probable that they will be clear by the meeting of the Legislature, and special elections could be ordered in them. As to who shall vote at these elections, there can be but little question, as whoever shall refuse to take the oath of allegiance will indicate that he does not wish to be regarded as a citizen of the United States, and of course not as a citizen of Tennessee, as a member of the Union. His taking the oath should be *prima facie* evidence of loyalty. Of course he must have the other qualifications required by the Constitution of the State.

Do you ask me if all this is legal and constitutional? I answer yes, substantially so; and, under the circumstances, I consider that technicalities may be *constitutionally* dispensed with. The only serious objection that I can see is that there may not be a majority of the people entitled to vote, who will vote at the elections. I hope this difficulty will be avoided by the good sense of the people, and it may be that it is not an insuperable one. The object is to arrive under our extraordinary circumstances, with reasonable certainty, at the deliberate expression of the will of the people. To this we must appeal—nothing else is left for us to do. The ability to follow out technical rules has been swept away. As the course suggested by me may not be the best one to effect the object, I invite the offer of a better, and should be glad to give in my adhesion to it. But the plan, whatever it may be, must look at last to the will of the people. I hope no one will make merely captious objections, but that any suggestion that may be made will be in good faith, and with the great object of speedily and effectually restoring civil order and government in Tennessee. I cannot better conclude this letter than by quoting the words of our old friend Flaccus:

> **Vive, vale, si quid novisti rectius istis,*
> *Candidus imperti; si non, his utere mecum.*

EDWIN H. EWING.

*Good bye; if anything better occurs to you, impart it with candor; if not, support my proposition.

# PROCLAMATION

OF THE

# President of the United States:

WHEREAS, In and by the Constitution of the United States, it is provided that the President shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment; and, whereas, a rebellion now exists, whereby the loyal States, and the governments of several States, have for a long time been subverted, and many persons have committeed and are now guilty of treason against the United States; and whereas, with reference to said rebellion and treason, laws have been enacted by Congress declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State, or part thereof pardon and amnesty, with such exceptions, and at such time and on such conditions as he may deem expedient for the public welfare; and whereas, the Congressional declaration for limited and conditional pardon accords with the well established judicial exposition of the pardoning power; and whereas, with reference to said rebellion the President of the United States has issued several proclamations with regard to the liberation of slaves; and whereas, it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States, and re-inaugurate loyal State governments within and for their respective States:

Therefore, I ABRAHAM LINCOLN, President of the United States do declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is granted to them, with the restoration of property, except as to slaves, and in property cases, where rights of third parties shall have intervened, and upon condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate, and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to-wit:

"I————, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States and the Union of the States thereunder, and that I will in like manner abide by and faithfully support all acts of Congress passed during the existing rebellion, with reference to slaves, so long and so far as not repealed or modified or held void by Congress or by the decision of the Supreme Court, and that I will in like manner abide by and faithfully support all proclamations of the President made during the existing rebellion, having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

The persons excepted from the benefits of the foregoing provisions are all who are or shall have been civil or diplomatic officers or agents of the so-called Confederate Government; all who have left judicial stations under the United States to aid the rebellion; all who are or shall have been military or naval officers of the so-called Confederate Government, above the rank of Colonel in the army or Lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the army or navy of the United States, and afterwards aided the rebellion; all who have engaged in any way in treating colored persons or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen or in any other capacity, and I do further proclaim and make known, that whenever in any of the States of Arkansas, Alabama, Texas, Louisiana, Mississippi, Tennessee, Georgia, Florida, South Carolina and North Carolina, a number of persons not less than one-tenth in number of the votes cast in such a State at the Presidential election of the year of our Lord [illegible], each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government which shall be republican, and in no wise contravening said oath, such shall be recognized as the

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true government of the State, and the State shall receive thereunder the benefits of the constitutional provision, which declares that "the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or the executive, when the legislature cannot be convened, against domestic violence;" and I do further, proclaim, declare, and make known, that any provision which may be adopted by such State government, in relation to the freed people of such State, which shall recognize and declare their permanent Freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition as a people, will be accepted by the National Executive, and it is suggested as not improper that in constructing a loyal State government in any State the name of the State, the boundary, the subdivision, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, which may be deemed expedient by those framing the new State governments, has no reference to States wherein loyal State governments have all the while been maintained; and for the same reason it may be proper to further say, that whether members sent to Congress from any State shall be admitted to seats constitutionally, rests exclusively with the respective Houses, and not to any extent with the Executive; and still further, that this proclamation is intended to present to the people of the State wherein the national authority has been suspended and loyal State governments may be re-established within said States or in any of them; and while the mode presented is the best the Executive can suggest with his present impressions; it must not be understood that no other possible mode would be

Given under my hand at the City of Washington, the 8th day of December, A. D., 1863, and of the independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, Secretary of State.

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